

13463. Adulteration of cottonseed meal. U. S. v. Robeson Mfg. Co. Defendant submits to judgment. Fine, \$25 and costs. (F. & D. No. 19006. I. S. No. 2935-v.)

On November 8, 1924, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Robeson Mfg. Co., a corporation, Lumberton, N. C., alleging shipment by said company, in violation of the food and drugs act, on or about November 19, 1923, from the State of North Carolina into the State of New Jersey, of a quantity of cottonseed meal which was adulterated. The article was labeled in part: "Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00% * * * Crude Fibre (maximum) 14.00%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 6.66 per cent of ammonia, 34.25 per cent of protein, and 17.33 per cent of crude fiber.

Adulteration of the article was alleged in the information for the reason that cottonseed meal containing less than 36 per cent of protein, less than 7 per cent of ammonia, and more than 14 per cent of crude fiber had been substituted for good cottonseed meal containing a minimum protein content of 36 per cent, a minimum ammonia content of 7 per cent, and a maximum crude fiber content of 14 per cent, which the said article purported to be.

On June 18, 1925, the defendant entered a submission to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13464. Adulteration and misbranding of preserves. U. S. v. 33 Cases of Orange Marmalade Preserves, et al. Decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 19973. I. S. Nos. 17238-v to 17242-v, incl. S. No. E-5255.)

On April 22, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 33 cases of orange marmalade preserves, 37 cases of pineapple preserves, 44 cases of peach preserves, 42 cases of strawberry preserves, and 36 cases of raspberry preserves, remaining unsold in the original packages at Norfolk, Va., alleging that the articles had been shipped by George S. Murphy (Inc.), from New York, N. Y., in various consignments, namely, on or about September 8 and 13 and November 17, 1924, and January 7, 1925, respectively, and transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Honeydew Brand Pure Orange Marmalade" (or "Pineapple" or "Peach" or "Strawberry" or "Raspberry") "Preserves * * * George S. Murphy Inc. New York."

Adulteration of the articles was alleged in the libel for the reason that a substance, pectin, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength, and had been substituted wholly or in part for the said articles. Adulteration of the raspberry preserves was alleged for the reason that a substance, loganberry, had been substituted in whole or in part for raspberry.

Misbranding was alleged in substance for the reason that the designations "Honeydew Pure Preserves" and "Pineapple," "Peach," "Strawberry," "Raspberry" or "Orange Marmalade," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On June 30, 1925, George S. Murphy (Inc.), New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that they be relabeled, after proper concentration, "Preserves" with a plain and conspicuous statement of added pectin and acid.

C. F. MARVIN, *Acting Secretary of Agriculture.*